



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MESMER & DELEAULT, PLLC
41 BROOK STREET
MANCHESTER, NH 03104

MAILED

FEB 01 2011

OFFICE OF PETITIONS

In re Application of :
David H. Dicks, et al. :
Application No. 10/756,544 : **DECISION ON PETITION**
Filed: January 12, 2004 :
Attorney Docket No. nova 0104fitmt :

This is a decision on the renewed petition, filed March 26, 2007, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of July 20, 2006, which set a which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). Accordingly, a reply was due on or before August 20, 2006.

Petitioner states that a timely reply was mailed via EFS Web along with a certificate of transmission on August 17, 2006, which included the following papers: a reply to the outstanding Office action. The original reply is in the file.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of July 20, 2006 is hereby **withdrawn** and the **application restored to pending status**.

In view of granting to the petition to withdraw the holding of abandonment, the fee of \$400 submitted along with the petition is deemed unnecessary and will be refunded to petitioner's credit card in due course.

Telephone inquiries concerning this decision should be directed to the April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3754 for processing of the amendment previously filed August 17, 2006.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions